

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

IMMERSION CORPORATION,

§

Plaintiff,

§ CIVIL ACTION NO. 2:17-CV-00572- JRG
§ (LEAD CASE)

v.

§

SAMSUNG ELECTRONICS AMERICA,
INC., and SAMSUNG ELECTRONICS,
CO., LTD.,

§ CIVIL ACTION NO. 2:17-CV-00055-JRG
§ (CONSOLIDATED CASE)

§

§

Defendants.

**FINAL PRETRIAL CONFERENCE
HELD BEFORE DISTRICT JUDGE RODNEY GILSTRAP
APRIL 23, 2019**

OPEN: 9:03 a.m.

ADJOURN: 10:10 a.m.

ATTORNEYS FOR PLAINTIFF:	See attached.
ATTORNEYS FOR DEFENDANTS:	See attached.
LAW CLERKS:	Catherine Sima Owens Matthew Wood
COURT REPORTER:	Shelly Holmes, CSR-TCRR
COURTROOM DEPUTY:	Jan Lockhart

TIME	MINUTES
9:03 a.m.	Counsel announced ready for hearing. Mr. Birnholz and Ms. Smith introduced counsel.
9:07 a.m.	The Court heard argument re Immersion's Objection to Unasserted Immersion Patent File Histories (Dkt. 173, § I.B.2) - DTX-764, DTX-765. Mr. Wilson argued on behalf of Plaintiff. Mr. Nguyen argued on behalf of Defendants. The Court DENIED the admission of these as exhibits but may be used as demonstratives.
9:10 a.m.	The Court heard argument re Immersion's Objection to Third Party Licenses (Dkt. 173, § I.E.2) - DTX-205, DTX-206, DTX-207. Mr. Wilson argued on behalf of Plaintiff. Mr. Tishman argued on behalf of Defendants. The Court DENIED the admission of these exhibits.
9:19 a.m.	The Court heard argument re Immersion's Objection to Third Party Articles and Websites (Dkt. 173, § I.I.1) - DTX-293, DTX-303, DTX-316, DTX-329, DTX-

TIME	MINUTES
	369, DTX-378, DTX-379, DTX-710. Ms. Glasser argued on behalf of Plaintiff. Mr. Tishman argued on behalf of Defendants. The parties WITHDREW this category of exhibits.
9:30 a.m.	The Court heard argument re Samsung's Objection to Articles and Press Releases (Dkt. 173, § II.D.1) – PTX-677, PX-691. Mr. McKeon indicated the objection to this category of exhibits was WITHDRAWN. The Court PRE-ADMITTED this category of exhibits.
9:32 a.m.	The Court heard argument re Exhibits Related to Samsung Accused Products - DTX-712, DTX-713. Ms. Glasser argued on behalf of Plaintiff. Mr. Nguyen argued on behalf of Defendants. The objection to DTX-712 was WITHDRAWN. The Court PRE-ADMITTED page ending in Bates number 557 of DTX-713. The Court stated that while the exhibit is pre-admitted, it is conditioned upon a showing that it complies with the business records exception or acknowledgement by Plaintiff that it complies.
9:41 a.m.	The Court heard argument re Exhibits Related to Immersion Software (VibeTonz & TouchSense Embodying Products) – The following exhibits were PRE-ADMITTED: DTX 120-123, DTX 125-128, DTX 130 and 132, due to Plaintiff's withdrawal of objections. The Court heard argument re DTX-115, DTX-119, DTX-124, DTX-125, and DTX-129. Ms. Glasser argued on behalf of Plaintiff. Mr. Nguyen argued on behalf of Defendants. The Court PRE-ADMITTED DTX-115, DTX-119, DTX-124, DTX-125, and DTX-129 for Samsung to use with its noninfringement expert. Mr. Birnholz requested clarification on the Court's Order. The Court clarified the ruling. Mr. McKeon confirmed his understanding of the ruling.
9:59 a.m.	The Court heard argument re Samsung Patents (Dkt. 173, § I.B.1) - DTX-451, DTX-452, DTX-453, DTX-726, DTX-727, DTX-728, DTX-729, DTX-730, DTX-731, DTX-732, DTX-733, DTX-734 (Immersion MIL #2). Ms. Glasser argued for Plaintiff. Mr. Tishman argued for Defendants. The exhibits were NOT PRE-ADMITTED.
10:01 a.m.	The Court heard argument re Uncharted Prior Art (Dkt. 173, § I.B.3) - DTX-611, DTX-612, DTX-613, DTX-614, DTX-641, DTX-642, DTX-643, DTX-766, DTX-767 (Immersion MIL #7). Mr. Orso argued for Plaintiff. Mr. Nguyen argued for Defendants. The Court EXCLUDED these exhibits.
10:04 a.m.	Mr. McKeon addressed exhibits withdrawn by agreement.
10:06 a.m.	Parties to meet and confer re updated exhibit lists. Mr. Birnholz addressed the exchange of opening and closing demonstratives. Mr. McKeon addressed procedures for demonstratives.
10:10 a.m.	Court adjourned.